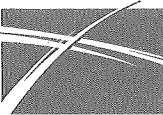


WEBER THOMPSON



September 29, 2009

Tim Nogler, Director  
Washington State Building Code Council  
128 10<sup>th</sup> Ave SW  
PO Box 42525  
Olympia, WA 98504-2525

**RECEIVED**  
OCT 05 2009

RE: Proposed exception to IBC section 105.3.1

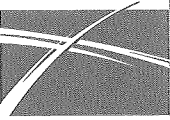
Dear Mr. Nogler,

As an architect specializing in assisted and independent senior living facilities I am writing to express my concern over a proposed amendment to the 2009 International Building Code. The new exception proposed to section 105.3.1 requiring State Department of Health (DOH) authorization to begin construction before a local building official can issue a building permit is highly problematic on several levels.

**The first concern is schedule.** DOH Construction Review Services (CRS) requires the submittal of significantly more information for review than a local building department. In order to streamline the schedule and start building permit review, applicants typically submit a 60-75% complete set of construction documents containing the information required for building permit review. However, for DOH review we are required to submit 100% documents because there are many items, from specific finish selections to operational procedures which must be documented for CRS. These elements are outside the building permit review in most cases. In addition, items which are permitted separately at the local level such as mechanical, electrical, plumbing, and sprinkler designs, are all required at the initial DOH submittal. A typical DOH submittal will contain twice the number of sheets as the building permit submittal set, representing around 2 months additional work for a 100-unit facility.

In addition to the later submittal, DOH review takes longer than the building department review because of the highly detailed nature of their work. In one example in Seattle, the building permit was issued in September of 2007 while DOH authorization to begin construction was finally received in May of 2009, nearly 20 months later. Another example in Bellevue, had phased building permits issued in September 2008 and January 2009 while DOH authorization was not received until June of 2009. In both cases the projects began work at their own risk and some minor changes had to be made based on DOH review but the cost of these changes was far less than the cost of the delay that would have resulted had the building permit been held until DOH authorization. The practice of phased building permits raises more questions. Would a phased foundation permit be held up waiting for DOH review of the upper stories?

**Another concern is the nature of Washington Administrative Code upon which CRS's work is based.** The International Building Code contains, within Chapter 1, guidelines and requirements for process and appeal, and is administered and overseen by the WSBC and the



ICC. The Washington Administrative Code has no such provisions or oversight. There is no mechanism for appeal in the DOH process and there are no outlined standards for such a review process. These provisions are needed to protect both the building officials and permit applicants and to clarify expectations or the process. To make permit issuance dependant on an outside force not subject to these provisions compromises these protections.

**The nature of the text is also important.** Code language, as found in the IBC, is written to be explicit and its meaning is exceptionally clear. Legal writing, as found in the WAC sections governing licensed care facilities is frequently broad, subjective and open to interpretation. For example WAC 388-78A-3090 1. a. states that the a boarding home must "provide a safe sanitary and well maintained environment for residents." This section can be invoked differently from project to project. No requirement so vague would exist in a modern building code.

**Finally, there is the question of sovereignty for local jurisdictions.** The state reviewers do not recognize local amendments or codes such as the Seattle Building code even though the WAC empowers local jurisdictions to enact them. As a result I have frequently encountered conflicts between local building code requirements and State code requirements. It is generally necessary for the architect to design to the more stringent standard and achieve compliance with both codes in order for the building to receive its operational license. Under the proposed amendment, a building official would be prohibited from issuing a building permit for a project that was in full compliance with local regulations; this is an unreasonable restriction.

I have great respect for the capabilities of the staff at the Department of Health Construction Review Services. Over the years of working together I have found them to be exceptionally professional and skilled, and their work is highly detailed and specialized. However it is precisely this fact that places their role outside the realm of building permit review. The broad reaching review they perform, including operational procedures, and the general nature of the law they work with are anathema to the building permit process. Placing CRS squarely in the critical path of the project schedule, rather than a parallel track outside it, will compromise their work by subjecting them to the same time pressures that local officials experience.

Short of a truly integrated review process, building permits and licensing reviews should remain separate so that each of the professionals involved can focus on their areas of expertise and do their jobs to the best of their ability. Combining these two very different processes will do a disservice to each.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Reibman', with a long, horizontal flourish extending to the right.

Jeff Reibman, AIA, LEED AP  
Senior Associate  
Weber Thompson